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DOVAN-MAKINEN (450)

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NEW YORK, FEB. 12 (AP)—THE ONLY AMERICAN KNOWN TO BE STILL BEHIND BARS IN THE SOVIET UNION MAY SOON BE RELEASED, SAYS THE BROOKLYN LAWYER WHO NEGOTIATED THE U.S.-SOVIET SPY SWAP.

BUT, HE ADDED, IT IS CONTINGENT UPON AN IMPROVEMENT IN RELATIONS BETWEEN THE TWO COUNTRIES.

THE PROSPECT OF FREEDOM FOR MARVIN MAKINEN, (PRONOUNCED: BACK-KIN'-IN) 22-YEAR-OLD FULBRIGHT SCHOLAR SERVING EIGHT YEARS ON SPY CHARGES, WAS EXPRESSED LAST NIGHT BY JAMES BRITT DONOVAN.

"THIS IS VERY GREAT NEWS," SAID WILLIAM MAKINEN OF ASHBURNHAM, MASS., THE STUDENT'S FATHER. "I HOPE AND PRAY OUR BOY WILL BE BACK SOONER THAN WE ANTICIPATED."

DONOVAN SAID THE SUBJECT OF MAKINEN'S RELEASE CAME UP DURING HIS TALKS WITH IVAN SHISHKIN, SECOND SECRETARY OF THE SOVIET EMBASSY IN COMMUNIST EAST GERMANY.

THE NEGOTIATIONS RESULTED IN THE UNITED STATES' FREEING COL. RUDOLF ABEL, A SOVIET MASTER SPY SERVING 30 YEARS IN PRISON; RUSSIA FREEING FRANCIS GARY POWERS, THE AMERICAN U2 PILOT SERVING 10 YEARS, AND EAST GERMANY FREEING FREDERICK L. PRYOR, AN AMERICAN STUDENT WHO HAD BEEN HELD WITHOUT TRIAL SINCE AUG. 25.

DONOVAN, WHO WAS ABEL'S COURT-APPOINTED AMERICAN LAWYER IN THE COLONEL'S 1957 TRIAL FOR ESPIONAGE, SAID HE VIEWED THE SOVIET AND EAST GERMAN ACTIONS AS "A GENUINE ATTEMPT TO SECURE BETTER RELATIONS."

HE ADDED:

"I HAVE WHAT I BELIEVE TO BE ASSURANCE THAT IF THE BETTER RELATIONS CONTEMPLATED BY THIS EXCHANGE SHOULD DEVELOP, THE SOVIET UNION WOULD CONTEMPLATE EXTENDING CLEMENCY TO MAKINEN."

THIS MAY BE EXPECTED "IN THE NEAR FUTURE," DONOVAN SAID. "I REGARD THE NEGOTIATIONS AS CONCLUDED."

MAKINEN, WHO WAS STUDYING AT THE FREE UNIVERSITY IN WEST BERLIN, WAS SEIZED LAST JULY 27 AND ACCUSED OF PHOTOGRAPHING MILITARY INSTALLATIONS IN HUNGARY, CZECHOSLOVAKIA AND THE UKRAINE. HE WAS CONVICTED OF ESPIONAGE, AND IS IN PRISON AT KIEV.

"ISN'T IT WONDERFUL!" EXCLAIMED MAKINEN'S HALF-SISTER, MRS. JACOB MAYRYNEN OF GARDEN CITY, NICH., WHEN TOLD OF DONOVAN'S STATEMENT.

"I WAS HOPING THAT MR. DONOVAN COULD WORK ON HIS RELEASE. I WAS HOPING THAT WE'D HEAR SOMETHING SOON. WE'VE HEARD NOTHING OFFICIALLY."

"WE ARE HOPING AND PRAYING THAT IT WILL BE SOON."

DONOVAN MET WITH NEWSMEN SHORTLY AFTER RETURNING TO HIS APARTMENT IN BROOKLYN FROM THE MISSION BEHIND THE IRON CURTAIN. THE SHORT, ATHLETIC-APPEARING LAWYER WAS OBVIOUSLY TIRED FROM HIS TRAVELS.

POWERS' FIRST WORDS AS HE STEPPED INTO WEST BERLIN SATURDAY, DONOVAN RECALLED, WERE "GEE, I'M GLAD TO SEE YOU!" THE LAWYER ADDED, "I HAD NEVER SEEN HIM BEFORE IN MY LIFE."

DONOVAN SAID POWERS WAS ASTOUNDED BY HIS RELEASE. "HE TOLD ME THAT AS OF TUESDAY HE HAD CONCLUDED HE WOULD NEVER BE RELEASED EARLY," DONOVAN SAID.

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"UNTIL POWERS GOT INTO THE CAR TO GO WITH MEN HE HAD NEVER HEARD MY NAME, PRYOR'S NAME, OR MAKINEN'S NAME."

ASKED IF THE U2 PILOT APPEARED TO BE HAVE BEEN BRAINWASHED, DONOVAN REPLIED, "I DON'T THINK SO. HE APPEARED PERFECTLY CLEAR, PHYSICALLY AND MENTALLY."

DONOVAN, AN AIR FORCE COLONEL AND A FLIGHT SURGEON FLEW BACK ACROSS THE ATLANTIC WITH POWERS. THE LAWYER SAID THE PLANE LANDED AT AN EAST COAST LOCATION. HE DECLINED TO IDENTIFY AND LOCATIONS GOT OUT THERE. DONOVAN SAID THE COLONEL FLEW ON TO WASHINGTON.

WHEN ASKED THE REASON FOR THE SECRETARY CLOAKING POWERS IN THE UNITED STATES, DONOVAN REPLIED, "EVEN NOW HE IS AGREEING THAT THE FELLOW IS A SPY."

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AFTER THIS NEWS CAME OUT, HE SAID HE WOULD...